

ORIGINAL

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FILED
DISTRICT COURT OF GUAM

MAR 16 2007 *mjs*

MARY L.M. MORAN
CLERK OF COURT

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE DISTRICT OF GUAM

10 UNITED STATES OF AMERICA,

CRIMINAL CASE NO. 01-00108

11 Plaintiff,

12 vs.

13 ANNIE MARIE Q. CHARFAUROS,

MOTION FOR ENTRY OF FINAL
14 ORDER IN CONTINUING
15 Defendant,

16 WENDY'S OLD FASHIONED

17 HAMBURGERS OF GUAM LLC,

18 Garnishee.

19

20 Plaintiff, United States of America, respectfully requests the Court to enter the Final
21 Order in Continuing Garnishment in this matter pursuant to 28 U.S.C. § 3205. In support of this
22 motion, the United States respectfully states to the Court the following:

23 1. An Application for Writ of Continuing Garnishment was filed by the United
24 States of America, and a Writ of Continuing Garnishment directed to Garnishee was duly issued
25 and served upon the Garnishee.

26 2. Pursuant to the Writ of Continuing Garnishment, the Garnishee filed an Answer
27 stating that at the time of the service of the Writ it had in its possession or under its control
28 personal property belonging to and due defendant, in the form of earnings.

3. The defendant was served with a copy of the Writ of Continuing Garnishment and notified of her right to a hearing. The defendant has not requested a hearing to determine exempt property.

4. 28 U.S.C. § 3205(c)(7) states:

After the garnishee files an answer and if no hearing is requested within the required time period, the Court shall promptly enter an order directing the garnishee as to the disposition of the judgment debtor's non-exempt interest in such property.

5. As set forth in the Writ of Continuing Garnishment, the amount of the debt due totals \$957.64 as of November 20, 2006.

WHEREFORE, all conditions to the issuance of a Final Order in Continuing Garnishment against the non-exempt earnings of the defendant are fully satisfied. The United States respectfully requests that a Final Order in Continuing Garnishment be issued.

DATED this 15th day of March, 2007.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and the NMI

By:

MARIVIC P. DAVID
Assistant U.S. Attorney